

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
April 7, 2009

The City Council convened in Regular Session on Tuesday, April 7, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, and Richard Veit. Absent: Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #47038

A motion was made by RICHARD VEIT to excuse the absence of Councilmember Michael Weller. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by LARRY MUENCH to advance *Recognition of Norbert Wapelhorst into the Missouri Recreation and Parks Association Hall of Fame* on the agenda. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

Recognition of Norbert Wapelhorst into the Missouri Recreation and Parks Association Hall of Fame

Mayor introduced Maralee Britton, Director of Parks & Recreation, introduced Teresa Proebsting, President, Missouri Recreation and Parks Association. Ms. Proebsting announced that Norbert Wapelhorst was recently inducted into the Missouri Recreation and Parks Association Hall of Fame; and presented Mr. Wapelhorst with a commemorative plaque. Mr. Wapelhorst accepted the plaque and thanked everyone for the recognition.

PUBLIC HEARINGS

The President of the Council Jerry Reese announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. Z-03-08. An application to rezone a parcel of land in the process of annexing into the City. The property is located at 801 Pralle Lane, otherwise known as Parcel Id: 3-0116-0165-00-27.1. The applicant is requesting to rezone the property from the County R-1E Single-Family Residential District to the City R-1D Single-Family Residential District. The property is 0.70 acres in size and will be located in Ward Three upon annexation. **(Council Bill 9901)**
- B. Case No. DR-04-09. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.705 Street Banner Signs. **(Council Bill 9906)**
- C. Case Nos. Z-06-09, Z-07-09 and Z-08-09. (Whittaker Builders, Inc.) An application to rezone seven (7) parcels of land in the process of annexing into the City. Parcels 1,2 and 3 are part of U.S. Surveys 222, 223 and 224 of the Saint

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Charles Common Fields; Parcels 4, 5, 6 and 7 are part of U.S. Surveys 208, 209, 210, 211 and 212 of the Saint Charles Common Fields. The Applicant is requesting to rezone Parcels 1 through 6 from the County I-2 District to the City PD-MU District and Parcel 7 from the County I-1 District to the City PD-MU District for inclusion in the existing New Town St. Charles development; all seven parcels of which comprise 11.51 acres. The subject properties will be located in Ward Eight upon annexation. **(Council Bill 9903)**

- D. Case No. CU-07-09. (Open Fire Range and Gun Shop, LLC). The applicant is requesting approval of a conditional use permit from Section 156.033(C)(1)(j) within the C-2 General Business District for the location of an indoor firearm range and sales facility at 1355 South Fifth Street. The subject property is 11.94 acres and is located in Ward Two. **(RCA Attached)**
- E. Case No. CU-08-09. (Matt Scott). The applicant is requesting approval of a conditional use permit from Section 156.033(C)(1)(e) within the C-2 General Business District for an automotive sales, detailing and repair business at 521 Little Hills Industrial Boulevard. The subject property is 0.38 acres and is located in Ward One. **(RCA Attached)**
- F. Case No. CU-09-09. (Rhona Lococo). The applicant is requesting approval of a conditional use permit from Section 156.026(D)(1)(a) within the R-1E Single-Family Residential District for a Bed and Breakfast establishment at 1307 North Fifth Street. The subject property is 0.22 acres and is located in Ward One. **(RCA Attached)**
- G. Case No. CU-10-09. (Michael Colvin). The applicant is requesting approval of a conditional use permit from Section 156.033(C)(1)(e) within the C-2 General Business District for an automotive repair business at 529 First Capitol Drive. The subject property is 0.22 acres and is located in Ward Two. **(RCA Attached)**

RESOLUTIONS/AWARDS/PROCLAMATIONS

Introduction of City Engineer Kevin Corwin

Mayor Patricia M. York announced that Director of Public Works Debra Aylsworth would introduce recently hired City Engineer Kevin Corwin. Ms. Aylsworth introduced Kevin Corwin. Mr. Corwin thanked the Mayor and the Council for the opportunity to work for the City of St. Charles.

Proclamation Designating April 12-18, 2009, as National Public Safety Communications Week

Mayor Patricia M. York read a Proclamation Designating April 12-18, 2009, as National Public Safety Communications Week. Assistant Chief Michael Amendola accepted the Proclamation; and introduced the Dispatchers present: Judy Aubuchon, Tina Reece, and Betsy Dankenbring.

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A Resolution Declaring as Surplus, and Ratifying the Disposal by Trade-In of, One (1) GMC 1999 Dump Truck Assigned to the Street Division Toward the Purchase of a Replacement Truck as Set Forth in Contract C08-587 Approved by Council on November 4, 2008 (*Sponsor: Jerry Reese*)

Passed "Aye": Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on April 8, 2009 and is known as **Resolution R09-03**

A Resolution in Support of Missouri House Concurrent Resolution 13 Relating to State Sovereignty (*Sponsor: Richard Veit*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on April 9, 2009 and is known as **Resolution R09-04**

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bills 9882 and 9883 Relative to the Proposed Edward Rose Properties Development (Creekstone Falls) Located at the Northern Corner of the Intersection of Friedens Road, Arena Parkway and South River Road

City Clerk Marilyn K. McCoy announced that Councilmember Ron Stivison requested that a letter received from Thomas G. Heinsz, Business Representative, Carpenters' District Council of Greater Saint Louis and Vicinity, dated March 31, 2009, in favor of Council Bills 9882 and 9883 be entered into the record. Councilmember Laurie Feldman stated that this letter was sent to her by email requesting a response; that she responded to the letter; and that she responds to all aspects of any project whether or not she approves of the project.

Keith Hazelwood, 420 Clark, appeared on behalf of Edward Rose Properties, and spoke in favor of Council Bills 9882 and 9883.

Michael Crider, 28339 Knickerbocker, Bay Village, Ohio, Owner, spoke in favor of Council Bills 9882 and 9883.

Dale Rollings, 1000 Fairgrounds Road, appeared on behalf of the owners, the Crider Family, and spoke in favor of Council Bills 9882 and 9883.

Laurie Corley, appeared on behalf of Edward Rose Properties, and spoke in favor of Council Bills 9882 and 9883.

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Steve Hormann, appeared on behalf of Edward Rose Properties, and spoke in favor of Council Bills 9882 and 9883.

Julie Nolfo, Crawford Bunte Brammeier, 1830 Craig Park Ct., appeared on behalf of Edward Rose Properties, and spoke in favor of Council Bills 9882 and 9883.

Mark Verzino, 862 Chestnut Oak Drive, spoke in opposition to Council Bills 9882 and 9883.

Consent Agenda Item 9.G.5 Approval of Street Banner Sign Permit for Lindenwood University

George Heidelbaugh, 14943 Green Circle Drive, Chesterfield, Missouri, appeared on behalf of Lindenwood University, in favor of Consent Agenda Item 9.G.5.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Use of Fire Pits within City of St. Charles

Ron Gregor, 14 Floyd Drive, voiced concern at the conflicting information received relative to whether fire pits are allowed with the City of St. Charles.

David Flagg, 15A Floyd Drive, voiced concern at the conflicting information received relative to whether fire pits are allowed with the City of St. Charles.

President of the Council Jerry Reese requested that Director of Administration Michael Spurgeon address this issue with the residents.

A motion was made by LARRY MUENCH to advance *Item 8.A. Election of President and Vice President of the City Council* on the agenda. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

Election of President and Vice President of the City Council

Election of President of the City Council:

Ballots were distributed for the election of President of the City Council. The ballots were counted, with the following results: Dave Beckering – 4 votes; Michael Klinghammer – 1 vote; and Larry Muench – 4 votes.

Ballots were distributed for the election of President of the City Council. The ballots were counted, with the following results: Dave Beckering – 4 votes; Erv Ermeling – 1 vote; and Larry Muench – 4 votes.

Ballots were distributed for the election of President of the City Council. The ballots were counted, with the following results: Dave Beckering – 4 votes; and Larry Muench – 5 votes. The City Clerk announced that Larry Muench was elected President of the City Council.

Election of Vice President of the City Council:

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Ballots were distributed for the election of Vice-President of the City Council. The ballots were counted, with the following results: Dave Beckering – 1 vote; Erv Ermeling – 1 vote; Laurie Feldman - 5 votes; Michael Klinghammer – 1 vote; and Richard Veit – 1 vote. The City Clerk announced that Laurie Feldman was elected Vice-President of the City Council.
File #47088

RECESS AND RECONVENE

A motion was made by JERRY REESE to recess the Regular Council Meeting at 8:10 p.m. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, the motion passed. The City Council reconvened at 8:20 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench, presiding, and the Honorable Mayor Patricia M. York, and Members of the City Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Jerry Reese, Ron Stivison, and Richard Veit. Absent: Michael Weller.

BILLS FOR FINAL PASSAGE

Bill 9878 (Amended)

An Ordinance Amending Section 156.038 of the Code of Ordinances Pertaining to the Central Business District (*Sponsors: Michael Klinghammer, Richard Veit, and Larry Muench*)

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9878, with the Proposed Substitute Bill No.1, as follows: 1) add the following language to Section 156.038(B)(3) “except that in the Historic Downtown District a single-family dwelling shall not be located on the first floor of a building”; and 2) add the following language to the first sentence in Section 156.038(C)(2) “except that in the Historic Downtown District these residential uses shall be permitted only above the first floor”. JERRY REESE seconded the motion. All voted in favor, motion passed..

Bill 9882 (Failed)

An Ordinance Rezoning to Zoning District R-3A (Multiple Family Residential District) from Zoning Districts R-1E (Single-Family Residential District) and PD-MU (Planned Development – Mixed Use District) Two Tracts of Land Located at the Northern Corner of the Intersection of Friedens Road, Arena Parkway and South River Road
(*Sponsors: Erv Ermeling and Ron Stivison*)

Upon the request of President of the Council Larry Muench, City Attorney Michael Valenti provided the opinion that the protest petition filed by the Homeowners Association could be successfully challenged and may be invalid; therefore, the petition filed by the Homeowners Association should not be considered in calculating the requisite 30% as needed to require 2/3 vote of the Council. Discussion was held relative to Council Bill 9882. A separate vote was taken on Council Bill 9882, with the following results:

Failed “Aye”: Ermeling, Klinghammer, Stivison, Veit, and Beckering

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“Nay”: Feldman, Kneemiller, Muench, and Reese

Absent: Weller

Council Bill 9882 failed passage.

File #47089

Bill 9883 (Failed)

An Ordinance Rezoning to Zoning District PD-R (Planned Development Residential District) From Zoning District R-3A (Multiple-Family Residential District), Two Tracts of Land Located at the Northern Corner of the Intersection of Friedens Road, Arena Parkway and South River Road; Approving the Preliminary Development Plan of Creekstone Falls in Connection Therewith; Granting Variances in Connection with the Plat; and Approving and Authorizing Execution of a Planned Development Agreement and First Amendment to a Planned Development Agreement (*Sponsors: Erv Ermeling and Ron Stivison*)

Upon the request of President of the Council Larry Muench, City Attorney Michael Valenti provided the opinion that the protest petition filed by the Homeowners Association could be successfully challenged and may be invalid; therefore, the petition filed by the Homeowners Association should not be considered in calculating the requisite 30% as needed to require 2/3 vote of the Council. Discussion was held relative to Council Bill 9883. A separate vote was taken on Council Bill 9882, with the following results:

Failed “Aye”: Ermeling, Klinghammer, Stivison, Veit, and Beckering

“Nay”: Feldman, Kneemiller, Muench, and Reese

Absent: Weller

Council Bill 9883 failed passage.

File #47090

Bill 9884

An Ordinance Amending Section 115.07 of the Code of Ordinances Pertaining to the Misdemeanor of Possession or Purchase of Intoxicating Liquor or Non-Intoxicating Beer by Persons Under the Age of 21 to Provide for Expungement (*Sponsors: Richard Veit, Larry Muench, and Dave Beckering*)

A separate vote was taken on Council Bill 9884, with the following results:

Passed “Aye”: Klinghammer, Muench, Reese, Stivison, Veit, Beckering, and Ermeling

“Nay”: Feldman and Kneemiller

Absent: Weller

Approved by the Honorable Mayor on April 8, 2009 and is known as **Ordinance 09-50**

Bill 9885

An Ordinance Amending Chapter 50 of the Code of Ordinances Pertaining to Solid Waste Management by Inserting a New Subchapter to be known as “Collection Standards” containing a New Section to be known as Section 50.18 Prohibiting Obstruction of Access to Mailboxes with Containers (*Sponsor: Bob Kneemiller*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench,

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Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Returned Unsigned by the Honorable Mayor on April 9, 2009 and is known as **Ordinance 09-51**

Bill 9886

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds to Install a Right Turn Lane on Westbound Old Highway 94 at Muegge Road (*Sponsors: Bob Kneemiller, Larry Muench, Ron Stivison, Erv Ermeling, Michael Klinghammer, and Richard Veit*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on April 10, 2009 and is known as **Ordinance 09-57**

Bill 9887

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds to Install a Right Turn Lane on McClay Road at Hackmann Road and Improve/Widen McClay Road Approximately 400 Lineal Feet Adjacent to the St. Charles City/County Library (*Sponsors: Bob Kneemiller, Larry Muench, Ron Stivison, Erv Ermeling, Michael Klinghammer, and Richard Veit*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on April 10, 2009 and is known as **Ordinance 09-58**

Bill 9888

An Ordinance Authorizing a Contract with B & D Pavement Maintenance for the Crackseal Project 2009 in an Amount Not to Exceed \$120,000.00 (*Sponsor: Jerry Reese*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on April 10, 2009 and is known as **Ordinance 09-59**

Bill 9889

An Ordinance Suspending the Prohibition Against Drinking in Public Places as to Beer and Wine at the Location and During the Hours of Operation of the Mosaics Festival (*Sponsor: Richard Veit*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench,

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Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on April 9, 2009 and is known as **Ordinance 09-54**

Bill 9890

An Ordinance Suspending the Prohibition Against Drinking in Public Places of Intoxicating Liquor at the Location and During the Hours of Operation of Hot Summer Nights (*Sponsor: Richard Veit*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on April 9, 2009 and is known as **Ordinance 09-55**

Bill 9891

An Ordinance Suspending the Prohibition Against Drinking in Public Places as to Beer and Wine at the Location and During the Hours of Operation of the Missouri State Harley Owners Group (HOG) Rally/Cobblestone Street Party (*Sponsor: Richard Veit*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on April 9, 2009 and is known as **Ordinance 09-56**

Bill 9892

An Ordinance Authorizing an Employment Agreement with David Rosenwasser for the Services of Director of Convention and Visitors Bureau of the City of St. Charles, Missouri (*Sponsor: Ron Stivison*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on April 9, 2009 and is known as **Ordinance 09-52**

Bill 9893

An Ordinance Authorizing a Contract with Eastern Missouri Concrete, LLC for Ready-Mix Concrete Supply Services for the Street Division in an Amount Not to Exceed \$115,000.00 (*Sponsor: Larry Muench*)

Passed “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench,

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Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on April 10, 2009 and is known as **Ordinance 09-60**

Bill 9894

An Ordinance Authorizing Supplemental Agreement Number 2 to the Contract with PB Americas, Inc. for the Design of the Phase I of Boschertown Road Reconstruction from Fox Hill Road to National Cart in an Amount of \$34,761.43, for a Total Contract Not to Exceed \$280,666.49 (*Sponsor: Mike Klinghammer*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on April 10, 2009 and is known as **Ordinance 09-61**

Bill 9895

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds for the Reconstruction of Boschertown Road (*Sponsor: Michael Klinghammer*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on April 10, 2009 and is known as **Ordinance 09-62**

Bill 9896

An Ordinance Approving the Record Plat for Sunset Terrace Block 1 Lots 1 Through 4 and Lots 23 Through 26 Consolidation Plat, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Larry Muench*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on April 9, 2009 and is known as **Ordinance 09-53**

Bill 9897

An Ordinance Authorizing a Contract with Midwest Mudjacking & Construction Company, Inc. for the 2009 Annual Concrete Repair in an Amount Not to Exceed \$1,120,000.00 (*Sponsor: Jerry Reese*)

Passed "Aye": Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench,

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Reese, Stivison, and Veit

"Nay": None

Absent: Weller

Approved by the Honorable Mayor on April 10, 2009 and is known as **Ordinance 09-63**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9898

An Ordinance Amending the Development Agreement for Fountainview, the Multi-Family Residential Portion of the Mixed Use Development Known as Brighton Park
(*Sponsor: Jerry Reese*)

Bill 9899

An Ordinance Authorizing a Substitute Intergovernmental Cooperation Agreement with St. Charles County for the Family Arena (*Sponsors: Jerry Reese and Laurie Feldman*)

Bill 9900

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Linda Buchheit Jones (801 Pralle Lane) (*Sponsor: Laurie Feldman*)

Bill 9901

An Ordinance Rezoning to City Zoning District R-1D (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), an Approximate 0.70 Acre Parcel of Land Located 801 Pralle Lane (*Sponsor: Laurie Feldman*)

Bill 9902

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Whittaker Builders, Inc. and GGW Development Company, Inc. and GW Land LLC, Seven (7) Parcels of Land Comprising 11.51 Acres Adjacent to the New Town at St. Charles Development; and Approving Annexation Agreements with Whittaker Builders, Inc., GGW Development Company, Inc., and GW Land LLC (*Sponsors: Michael Klinghammer and Larry Muench*)

Bill 9903

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An Ordinance Rezoning to City Zoning District PD-MU (Planned Development-Mixed Use District) From County Zoning District I-1 (Light Industrial District) and I-2 (Heavy Industrial District) Seven Parcels Comprising of 11.51 Acres of Land Located Adjacent to the New Town at St. Charles Development and Approving the Fourth Amendment to the Development Agreement LLC *(Sponsors: Michael Klinghammer and Larry Muench)*

Bill 9904

An Ordinance Authorizing a Contract with the Historic Downtown Business Association for the Purpose of Conducting the Music on Main Special Event From May Through September 2009 Which Shall Include the Placing of Booths on a Portion of the Main Street Sidewalk for the Dispensing of Alcoholic Beverages and Sale of Food to the Public, and the Providing of Live Entertainment *(Sponsor: Richard Veit)*

Bill 9905

An Ordinance Repealing Ordinance No. 08-263 and Enacting a New Ordinance to Adopt Positions, Salary, Wages and other Compensation for Employees; to Include an Hourly Wage for Part-time Employees of the Convention and Visitors Bureau; Adding a Lead Police Service Technician Position; Reclassifying the Water Systems Manager Position; Changing the HR Clerk Job Title to Administrative Assistant/Event Planner; Changing the Computer Systems Analyst job Title to Senior Financial Analyst; Inserting Non-represented Fire Department Employees Currently Receiving a Clothing allowance; Creating a Transitional Employee Position; and Deleting Positions, Compensation and Pay Grids for Represented Employees of the Fire and Public Works Departments *(Sponsors: Jerry Reese and Larry Muench)*

Bill 9906

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 156.705 Pertaining to Street Banner Signs. *(Sponsors: Richard Veit and Michael Klinghammer)*

Bill 9907

An Ordinance Authorizing a Contract with L. Krupp Construction Company for the First Capitol Drive and West Clay Intersection Improvements Project in an Amount not to Exceed \$2,174,999.86 *(Sponsors: Larry Muench and Erv Ermeling)*

Bill 9908

An Ordinance Repealing Subsections I and j of Section 2 of Ordinance No. 09-08; Authorizing the Closing of Accounts with Commerce Bank, N.A. for convention Center Operations Only; Establishing Accounts with New Frontier Bank for Convention Center Operations and Designating Persons Authorized to Sign Checks *(Sponsor: Larry Muench)*

Bill 9909

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An Ordinance Authorizing the Purchase of Real Property described as Lot 186 of Fox Hill Estates #1 (the "Property"); Approving a Purchase Contract in the Amount of \$40,000.00 plus reasonable Closing Costs and Authorizing the Mayor and City Clerk to execute Documents Necessary to Carry out the Transaction (*Sponsors: Laurie Feldman and Michael Klinghammer*)

Bill 9910

An Ordinance Authorizing a Contract with Digital Safety Technologies, Inc. for the Purchase of Sixteen (16) Vehicle Mounted Cameras with Digital Recording, Related Hardware and Equipment for Wireless Downloading for the Police Department in an Amount Not to Exceed \$116,560.00 (*Sponsor: Jerry Reese*)

Bill 9911

An Ordinance Authorizing an Agreement Between the City of St. Charles, Missouri and the St. Charles Police Officers Association for the Police Officers Bargaining Unit for the Period of April 21, 2009 Through December 31, 2012 (*Sponsors: Jerry Reese and Larry Muench*)

A request was made that all Councilmembers be added as sponsors.

Bill 9912

An Ordinance Authorizing a Sergeants Agreement Between the City of St. Charles, Missouri and the St. Charles Police Officers Association Sergeants Bargaining Unit for the Period of April 21, 2009 Through December 31, 2012 (*Sponsors: Jerry Reese and Larry Muench*)

A request was made that all Councilmembers be added as sponsors.

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to Saint Louis Symphony Orchestra Concert

Councilmember Dave Beckering voiced concern that the City Newsletter included an announcement of the Saint Louis Symphony Orchestra Concert; however, the Council has not approved the recommendation of the Arts & Culture Commission for this expenditure. Councilmember Beckering also voiced concern that, in light of the current economic environment, the cost of \$24,000, for a concert in the length of 1 hour, 15 minutes, is not appropriate. Discussion was held relative to the event.

Discussion Relative to Amending the Guidelines for the Façade Grant Program

President of the Council Larry Muench stated that the Lewis & Clark Boathouse applied for a Façade Grant Program; however, since it is located on City property they are not eligible. Discussion was held relative to amending the guidelines to allow a grant on city-owned property; the current eligibility included in the Façade Grant Program; the funding available in 2009 for the program; and the repairs needed at the Lewis & Clark Boathouse. It was the consensus of the Council that amending the guidelines for the Façade Grant Program was not appropriate for this

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project; and a request was made that Administration investigate another funding mechanism to possibly fund the repairs needed at the Lewis & Clark Boathouse.

File #47091

Discussion Relative to Bids Received for the I-70/94 Median Improvements

A motion was made by DAVE BECKERING to approve the bid of N. B. West for Option 1 (plain concrete) for the I-70/94 Median Improvements in the amount of \$58,590.30. RICHARD VEIT seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Stivison, Veit, Beckering, and Ermeling. "Nay": Klinghammer, Muench, and Feldman. Absent: Reese and Weller. Motion failed. Director of Administration Michael Spurgeon requested that this item be placed on the Council Work Session scheduled for April 14, 2009, for further discussion.

File #47092

CONSENT AGENDA

Councilmember Dave Beckering removed *Item 9.G.1.a.i Approval of Arts and Culture Commission Expenditures (Saint Louis Symphony Orchestra - \$24,000)* from the Consent Agenda. A motion was made by DAVE BECKERING to receive and approve the balance of the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Muench, Stivison, Veit, Beckering, Ermeling, Feldman, and Klinghammer. "Nay": None. Absent: Reese and Weller. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of February 17, 2009
2. Regular Council Meeting of March 3, 2009
3. Public Hearing of March 3, 2009

File #47093

4. Regular Council Meeting of March 17, 2009
5. Public Hearing of March 17, 2009

File #47094

6. Special Council Meeting of March 23, 2009

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. Convention Center Oversight Committee Meeting of January 26, 2009
 - b. Community Freedom Center Oversight Committee Meeting of February 2, 2009
 - c. Joint Meeting of the City Council and Community Freedom Center Oversight Committee of February 23, 2009

File #47095

File #47096

File #47096

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| File #47016 | d. | Council Work Session of February 24, 2009 |
| File #47016 | e. | Council Work Session of March 3, 2009 |
| File #47017 | f. | Fire Station Design Committee Meeting of March 10, 2009 |
| File #47026 | g. | Street Committee Meeting of March 10, 2009 |
| File #47025 | h. | Finance & Audit Committee Meeting of March 10, 2009 |
| File #47016 | i. | Council Work Session of March 10, 2009 |
| File #47097 | j. | Technology Committee Meeting of March 16, 2009 |
| File #47096 | k. | Community Freedom Center Oversight Committee Meeting of March 16, 2009 |
| File #47016 | l. | Council Work Session of March 17, 2009 |
2. Approval of Council Committee Motions/Actions/Recommendations
- a. Convention Center Oversight Committee Meeting of January 26, 2009
 - i. Designation of Amy Dunning and/or Shura Lindgren-Garnett as Representatives for the Governing Board Regarding Day-to-Day Communications with the Auditors During the 2008 Auditing Process
 - ii. Motion to Approve the Placement of the Statue of Sacagawea in the Convention Center as long as the Center is held harmless in any way, and all Costs and Insurance Coverage to the Responsibility of Mr. Pals
 - b. Community Freedom Center Oversight Committee Meeting of February 2, 2009 *(None)*
 - c. Joint Meeting of the City Council and Community Freedom Center Oversight Committee of February 23, 2009
 - i. Motion to not Pursue the LEED Certification Due to the Cost
 - d. Council Work Session of February 24, 2009
 - i. Establishment of a Ward Redistricting Committee
 - e. Council Work Session of March 3, 2009 *(None)*
 - f. Fire Station Design Committee Meeting of March 10, 2009
 - i. Motion to Request Architects LePique and Orne to go forward with the Concept Design for the Proposed Fire Station, Including the Design for a Police Substation as an Addition and/or Alternate Plan

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- ii. Motion to Approve an Amended Contract for \$2,500 with Cole and Associates to Include a Traffic Analysis for the Proposed Fire Station Site on the Schroeder Tract
 - g. Street Committee Meeting of March 10, 2009
 - i. Motion for Staff to Proceed with Installation a Street Light at the end of Hastings Way, if it Meets Requirements
 - h. Finance & Audit Committee Meeting of March 10, 2009 *(None)*
 - i. Council Work Session of March 10, 2009 *(None)*
 - j. Technology Committee Meeting of March 16, 2009
 - i. CAD/RMS Project
 - a) Motion to Authorize the Police Department to Proceed with Formal Negotiations with Sungard Public Sector OSSI to Develop a Final Project Cost for the Software Only
 - b) Motion to Direct the Police Department to Compile a Base Line Project Plan/Implementation Timeline
 - ii. ERP Technology Project - Motion to Approve the Core Request for Proposals and the Specifications, as Presented, with the Dates included in the Minutes
 - k. Community Freedom Center Oversight Committee Meeting of March 16, 2009 *(None)*
 - l. Council Work Session of March 17, 2009 *(None)*
- C. Receipt of Reports from Boards, Commissions or Committees
- 1. Board of Public Works Meeting of January 8, 2009
 - a. Election of Rod Herrmann as Chairperson and Perry Pryor as Vice-Chairperson
 - b. Motion to Recommend Termination of the Cambrian Way Storm Sewer Project
 - c. Motion to Contact the Legal Department Relative to Issues Regarding the Little Hills Storm Sewer Project
- File #47072
- 2. Riverfest Committee Meeting of January 14, 2009
- File #47098
- 3. Riverfest Committee Meeting of February 11, 2009
 - a. Motion to Compensation Laura Helling in the Amount of \$2,500 for a Kids Area
 - b. Motion to Charge All Vendors a \$200 Booth Fee for the 2009 Celebration
- File #47098
- 4. Arts and Culture Commission Meeting of February 12, 2009
- File #47059
- 5. Landmarks Board Meeting of February 9, 2009
- File #47042

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File #46760	6.	Park and Recreation Board Meeting of December 17, 2008
File #47099	7.	Park and Recreation Work Session Meeting of January 7, 2009
File #47099	8.	Park and Recreation Board Meeting of January 21, 2009
File #47099	9.	Park and Recreation Work Session Meeting of February 4, 2009
File #47099	10.	Park and Recreation Special Work Session Meeting of February 18, 2009
File #47099	11.	Park and Recreation Board Meeting of February 18, 2009
File #47100	12.	Special Business District Advisory Board Meeting of February 5, 2009
File #47041	a.	Motion to Approve the SBD Funding Application, as presented
File #47058	13.	Board of Adjustment Meeting of March 9, 2009
File #47073	14.	Planning and Zoning Commission Meeting of February 23, 2009
File #47101	15.	Cable Television Commission Meeting of March 4, 2009
File #47044	a.	Election of Michael Barfield as Chairperson, Sean Keough as Vice Chairperson, and Todd Luerding as Recording Secretary
File #47044	16.	Beautification Commission Meeting of March 4, 2009
	17.	Youth Advisory Commission Meeting of February 12, 2009
	18.	Youth Advisory Commission Meeting of March 12, 2009
	D.	Receipt of Reports of the Director of Administration
File #47102	1.	Request to Fill a Vacant Position in the Public Works Department
	E.	Approval of Contracts and Easements from \$30,001 - \$99,999
File #47103	1.	Contract with Hub-Data911 for Sixteen (16) Mobile Computers in an Amount not to Exceed \$86,985.60
File #47104	2.	Contract with Bax Engineering Company for the Ridgeview/Hawthorn Sidewalk Project in an Amount not to Exceed \$57,730

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File #47105 3. Contract with St. Charles Engineering & Surveying, Inc. for the
Bainbridge/Barthel Sidewalk Project in an Amount not to Exceed \$49,750

File #47106 4. Contract with Broyles for Mowing Services of City-Owned Properties,
Weed Cutting and Nuisance Removal in an Amount not to Exceed
\$57,000.00

F. Preliminary Plats
File #47107 1. Approval of the Preliminary Plat for Orchard Farm School District
Highway 94

G. Miscellaneous
File #47033 1. Approval of Arts and Culture Commission Expenditures
a. Approval of the Following Grant Funding
i. Life is Good Kids Foundation - \$7,500
ii. Saint Louis Symphony Orchestra - \$24,000

REMOVED FROM THE CONSENT AGENDA

File #47056 2. Report of Court Administrator of Monies Collected and deposited during
the month of March 2009

File #47108 3. Ratification of Council Action Relative to Interim Pay for Duties of the
Community Relations Liaison

File #47055 4. Approval of Home Improvement Loans

File #47109 5. Approval of Street Banner Sign Permit for Lindenwood University

File #47008 6. Update and Status Report on the Emergency Creek Projects

File #47005 7. Approval of Liquor License Application for Daniel Volmert dba Hot Shots
Sports Bar & Grill Located at 1636 Country Club Plaza (*Ownership
Change*)

File #47005 8. Approval of Liquor License Application for John Kim dba Little Tokyo
Located at 1456 Bass Pro Drive

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ITEMS REMOVED FROM THE CONSENT AGENDA

Item 9.G.1.a.ii. Approval of Arts and Culture Commission Expenditures (Saint Louis Symphony Orchestra - \$24,000)

A motion was made by LAURIE FELDMAN to approve the recommendation of the Arts and Culture Commission expenditure for the Saint Louis Symphony Orchestra in the amount of \$24,000. BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Ermeling, Feldman, and Kneemiller. "Nay": Stivison, Veit, Beckering, and Klinghammer. Absent: Reese and Weller. Motion failed.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Update on Elm Street Reconstruction Project

Councilmember Ron Stivison gave an update on the Elm Street Reconstruction Project. File # 47007

Announcement of the Sales Tax Holiday from April 19-25, 2009, on Energy Efficient (Energy Star Certified) Appliances up to \$1,500.00 Per Appliance

Councilmember Bob Kneemiller announced the Sales Tax Holiday from April 19-25, 2009, on energy efficient appliances up to \$1,500 per appliance.

Written and/or Verbal Messages from the Councilmembers

Recycling. Vice President of the Council Laurie Feldman announced that recycling has increased by 55% in January 2009; 63% in February 2009, and 77% in March 2009.

Salvation Army 2008 Tree of Lights Municipalities Challenge. Vice President of the Council Laurie Feldman announced that the City of the St. Charles received 3rd Place in the Salvation Army 2008 Tree of Lights Municipalities Challenge at which the participating City Councilmembers collected approximately \$2,000.

APPROVAL OF CLOSED MINUTES

A motion was made by DAVE BECKERING to approve the following Closed Session Minutes. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Reese and Weller. Motion passed.

- A. Council Work Session of January 6, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1), and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)

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- B. Council Work Session of January 20, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1), and hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)
- C. Council Work Session of February 3, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1), hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
- D. Council Work Session of February 17, 2009, relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
- E. Joint City Council and Community Freedom Center Oversight Committee Meeting of February 23, 2009, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- F. Community Freedom Center Oversight Committee Meeting of March 16, 2009, relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

The Regular Council Meeting was adjourned at 9:25 p.m.

April 21, 2009
Date Approved

Marilyn L. McCarver
City Clerk

Larry Muench
Larry Muench, Presiding Officer